

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Peter Johnson,
Plaintiff,

v.

Bugeater Express, LLC, and
Paul Allen Bryant;
Defendants.

§
§
§
§
§
§
§
§

C.A. NO. 4:22-cv-3052

NOTICE OF REMOVAL

Defendants, Bugeater Express, LLC and Paul Allen Bryant, through undersigned counsel, petition this court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, for removal of this action currently filed in the 189th Judicial District Court of Harris County, Texas. In support of this petition, Defendants state as follows:

BACKGROUND

1. On May 31, 2022, Plaintiff, Peter Johnson filed an Original Petition against Bugeater Express, LLC and Paul Allen Bryant, alleging personal injuries in a traffic incident. This Petition is styled *Peter Johnson v. Bugeater Express, LLC and Paul Allen Bryant*; Cause No. 2022-32571; and was filed in the 189th Judicial District Court of Harris County, Texas, herein referred to as the “Lawsuit.”

2. The Original Petition was filed on May 31, 2022. This Notice of Removal is filed with this Court within thirty (30) days of service of the initial pleading upon the removing Defendants, as required by 28 U.S.C. § 1446(b).

3. The state court action was on file in Harris County. Therefore, Defendants are entitled to remove this action to the United States District Court for the Southern District of Texas, Houston Division.

4. Each Defendant who has made an appearance herein has consented to the removal of the action to federal court.

5. Plaintiff, **PETER JOHNSON**, is a resident of the state of Texas.

6. Defendant, **PAUL ALLEN BRYANT** (hereinafter referred to as “Bryant”), is a citizen of the State of Iowa.¹

7. Defendant, **BUGEATER EXPRESS, LLC**, (herein referred to as “Bugeater Express”), is a foreign corporation registered in Nebraska with its principal place of business in Iowa.

8. The basis for the removal is diversity jurisdiction under 28 U.S.C. § 1332. Plaintiff has alleged negligence and personal injury arising out of a motor vehicle accident and has pled that damages are in excess of \$1,000,000.00. See section VII of Plaintiff’s Original Petition. Therefore, jurisdiction in this court is proper.

9. The District Clerk for Harris County, Texas and Plaintiff have been given written notice of the filing of this Notice of Removal.

10. Defendants, therefore, respectfully requests the removal of this action from the 189th Judicial District Court of Harris County, Texas.

¹ Although Plaintiff’s Original Petition alleges that Defendant Bryant is a Texas resident, this statement is incorrect. Defendant Bryant filed a verified answer in the Lawsuit conclusively establishing that he has been a citizen of Iowa since October or November of 2021. For suits initially filed in state court, diversity is determined by the facts on both the date the lawsuit was filed in state court and the date the notice of removal was filed in federal court. *Ashford v. Aeroframe Servs.*, 907 F.3d 385, 386 (5th Cir. 2018). Defendant Bryant was a citizen of Iowa on both the date the lawsuit was filed (May 31, 2022) and the date the notice of removal was filed (September 8, 2022).

Respectfully submitted,



Ryan T. Hand
Attorney-in-Charge
SD Bar No. 25467
SBN: 24012777
2900 North Loop West, Suite 500
Houston, Texas 77092
Telephone: (713) 868-5560
Facsimile: (713) 864-4671
Email: rhand@mayerllp.com
**ATTORNEYS FOR DEFENDANTS,
BUGEATER EXPRESS, LLC AND
PAUL ALLEN BRYANT**

OF COUNSEL:

MAYER LLP

Elizabeth L. Carey
Federal Bar No. 425359
SBN: 03791800
Email: ecarey@mayerllp.com

CERTIFICATE OF SERVICE

On this 8th day of September, 2022, a true and correct copy of the foregoing instrument was served electronically, in person, by mail, by commercial delivery service, by fax, or by email, to the following counsel of record:

Jason A. Itkin
Caj Boatright
Roland Christensen
Samantha M.B. Demuren
ARNOLD & ITKIN LLP
6009 Memorial Drive
Houston, Texas 77007
Email: jitkin@arnolditkin.com
Email: cboatright@Arnolditkin.com
Email: rchristensen@arnolditkin.com
Email: sdemuren@arnolditkin.com
Email: eservice@arnolditkin.com



Ryan T. Hand